



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350

CHANGE 1 6/7/94
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IN REPLY REFER TO

24 Pages

OPNAVINST 8023.20E
Op-411F1
05 Apr 85

OPNAV INSTRUCTION 8023.20E

Subj: WAIVERS OF AND EXEMPTIONS FROM EXPLOSIVES SAFETY
REQUIREMENTS; POLICIES AND PROCEDURES FOR REQUESTING

Ref: (a) OPNAVINST 8023.2B (NOTAL)
(b) SECNAVINST 8020.3B (NOTAL)
(c) CNO ltr Ser 411/108855 of 9 Jun 1975 (NOTAL)
(d) CNO ltr Ser 411FV/393999 of 2 Feb 1981 (NOTAL)
(e) OPNAVINST 8023.13F (NOTAL)
(f) NAVSEA Ordnance Pamphlet 5, Vol. 1, Fourth Revision
(g) OPNAVINST 8023.21B (NOTAL)
(h) NAVSEA Ordnance Pamphlet 4, Fifth Revision
(i) NAVSEA Ordnance Pamphlet 3347, Second Revision
(j) DOD 6055.9-STD of 31 Jul 1984 (NOTAL) (A)

Encl: (1) U.S. Navy Explosives Safety Requirements Waiver or
Exemption Request/Validation Format
(2) Background/Supplemental Information for U.S. Navy (A)
Explosives Safety Waiver/Exemption
(3) Procedure for Assignment of Waiver/Exemption Numbers
(4) Criteria for Determination of MILCON/O&MN
Requirements for Waiver Correction/Elimination

1. Purpose. To define policies and procedures applicable to the submission of, and action necessary on, requests for explosives safety waivers of or exemptions from established explosives safety standards. The primary purpose of this revision is to explain the minor changes concerning information which must be submitted when requesting a waiver or exemption and to delete the requirement for host nation coordination in those instances where explosives encumbrances extend off-base in overseas areas. (R)

2. Cancellation. OPNAV Instruction 8023.20D.

3. Background/Discussion

a. In enclosure (1) to reference (a), the Chief of Naval Operations (CNO) defines the scope of the Naval Explosives Safety Program, and delineates the responsibilities of naval commands with regard to explosives safety standards and criteria. Many situations involving naval contingency, readiness, and/or operational requirements can be satisfied only by deviating from these standards/criteria. The Secretary of the Navy, recognizing this need for deviation from established explosives safety criteria, by reference (b) has delegated authority to CNO to issue waivers and exemptions when strategic or other compelling reasons so dictate.



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b. In an effort to halt a trend toward proliferation of explosives safety waivers and exemptions throughout the Department of the Navy, and to improve identification of, and control over, explosives safety problem areas, reference (c) published a plan of action and milestones (POA&M) assigning responsibilities at all levels of command in regard to explosives safety. This program was called the Navy Explosives Safety Program POA&M (NESP/POA&M), which was later renamed the Naval Explosives Safety Improvement Program POA&M (NESIP/POA&M). Several milestones directly addressed the waiver/exemption situation, and required establishment of criteria for waiver or exemption requests. Through the NESIP/POA&M (which was modified by reference (d)), this instruction, and the strengthening of the Ammunition and Hazardous Materials (AMHAZ) Handling Review system (discussed in reference (e)), the number of waivers and exemptions has been significantly reduced. Those continued in effect have been brought under the direct supervision of the Office of the Chief of Naval Operations (OPNAV).

c. To carry out the objectives of the NESIP/POA&M, and to provide a uniform approach to the administrative handling of requirements for waivers and exemptions, this instruction establishes criteria for the submission of new requests for waivers of, or exemptions from, explosives safety standards. In addition, it defines all requirements to be observed in regard to the renewal (validation) of existing waivers and exemptions.

4. Definitions

R) a. A deviation is a departure from an established explosives safety rule or standard. For explosives safety applications, a deviation authorized by CNO is considered to be a departure from Navy or Department of Defense (DOD) criteria, but under strictly controlled and regulated conditions based upon compelling operational need. Deviations which may be authorized by appropriate authority within the naval service are as follows:

R) (1) Event waivers - deviations approved on a case basis for a particular evolution, issued for a limited period to meet a specific, non-recurring readiness or operational requirement which cannot otherwise be satisfied.

(2) Waivers - deviations from mandatory explosives safety requirements approved for the purpose of temporary satisfaction of recurring readiness or operational requirements, issued pending the completion of corrective measures to eliminate the requirement for waiver. Waivers are generally issued for a maximum of 2 years.

R) (3) Exemptions - deviations from mandatory explosives safety requirements approved for the purpose of long-term

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satisfaction of recurring readiness or operational requirements. Except in certain cases where authorization to purchase real estate for sufficient ESQD clearances has not been granted, where it is in the best interest of the United States to grant agricultural leases of encumbered land, or where significant impairment of the defense posture of the United States would result, a positive program for eventual correction of the deficiency must be planned and in the process of being carried out. Exemptions are generally issued for a maximum of 5 years, but will not be granted for a period in excess of that estimated for correction of the deficiency.

b. Operational necessity is defined as a situation of such compelling urgency that failure to grant a deviation from established explosives safety criteria will have a deleterious impact on the mission readiness of naval forces.

5. Scope

a. This instruction applies to requirements for:

(1) Waiver of or exemption from any explosives safety quantity distance (ESQD) requirement or any other mandatory explosives safety rule or regulation delineated in reference (f).

(2) Waiver of or exemption from any explosives safety directive or requirement enunciated by the Chief of Naval Operations in references (a) and (g).

(3) Waiver of or exemption from any mandatory explosives safety requirement published by the Commander, Naval Sea Systems Command (COMNAVSEASYS COM), as the Department of the Navy's technical authority for explosives safety, in references (h) and (i).

b. This instruction does not apply to interim waivers authorized to permit construction workers to be present within ESQD arcs during the construction or repair of naval facilities. Once issued, normally in the course of review of the construction/repair project, these waivers do not require renewal or formal cancellation.

6. Policy/Submission requirements

a. Normally, the command identifying the need for a waiver of or exemption from established explosives safety criteria will submit a request for the waiver/exemption in accordance with the procedures of paragraph 7 and in the format of enclosures (1) and (2). All information required will be furnished in detail. In the absence of complete information as required by the enclosures, no waiver or exemption will be granted and the request will be returned (unless for valid reasons the informational requirements

R) are clearly inapplicable). If the command submitting the request is not the command whose real estate will be affected by imposition of the waiver/exemption, the affected command must be informed of the circumstances concerning the need for the waiver. The waiver submission will include a statement of concurrence from the affected command or a request that such concurrence be provided, if that command is not in the chain of command for submission. For waiver requests to berth cargo ammunition vessels or transfer ammunition to/from any vessel in a U.S. port not under Navy control, concurrence of the local Coast Guard representative must be obtained.

R) b. It is imperative that requests for waiver/exemption be submitted only in those cases required by operational necessity. Additionally, each request must be reviewed by all superiors in the chain of command (and the Commander, Naval Sea Systems Command (COMNAVSEASYS COM)) for verification of need and review of other alternatives and additional or compensatory safety precautions to be invoked. A certification of the existence of an operational necessity requiring the issuance of the waiver/exemption in question must be provided and, where the chain of command structure permits, this operational necessity certification must be concurred with. No CNO action will be taken until all of these steps have been completed. In keeping with this policy, the following procedures will be followed by those in the chain of command for waiver/exemption submission:

(1) Within the operating forces of the Navy, including ships, squadrons, and shore establishments which support these forces, the appropriate operational commander (normally the Type Commander (TYCOM) or Fleet Commander (FLTCDR)) at the time the waiver/exemption is requested for will provide the operational necessity certification and the appropriate Fleet Commander in Chief (FLTCINC) will provide the concurrence. For deployed units or units engaged in Fleet Exercises, the operational necessity certification may be delegated to the Task Force Commander (CTF SIX THREE, CTF SEVEN THREE, etc.). For ships undergoing refresher training at Guantanamo Naval Base and under the operational command of Commander, Training Command, U.S. Atlantic Fleet (COMTRALANT), the operational necessity certification will be provided by COMTRALANT. (Commander, Naval Base, Guantanamo Bay and Commander, Naval Air Force, U.S. Atlantic Fleet must be information addressees on all such waiver requests.)

R) (2) For activities under a Naval Systems Commander, the appropriate Systems Commander will provide the operational necessity certification and no concurrence is required.

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(3) For Marine Corps activities, the appropriate Echelon 2 commander will provide the operational necessity certification and the Commandant of the Marine Corps (CMC) will provide the concurrence. If the waiver/exemption is requested by an Echelon 2 command, CMC will provide the operational necessity certification, and no concurrence is required.

(4) For training commands, the appropriate Echelon 3 commander will provide the operational necessity certification and the Chief of Naval Education and Training will provide the concurrence.

(5) For reserve commands, the Commander, Naval Reserve Force will provide the operational necessity certification. No concurrence is required.

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(6) For commands not listed or for those commands listed whose chain of command structure is such that the procedures listed do not apply, the first senior in the operational chain of command will provide the operational necessity certification. If there is another senior in the chain of command (other than CNO), that senior will provide the necessary concurrence. If there is not another senior, no concurrence is required.

The certification of operational necessity and the concurrence therewith (where provided) must be clearly stated in the endorsements on the waiver/exemption request, or in the case of message submission, must be stated in the message(s) concerning the waiver/exemption.

c. Enclosure (2), which is information required to be forwarded to the Department of Defense by reference (j), will be completed by the requesting activity, except for the waiver/exemption number, which will be filled in by CNO after approval of the deviation request. This sheet will be appended to the approved deviation by CNO and be a formal part of the waiver/exemption authorization. A complete list of all potential explosion sites (PES) and exposed sites (ES) along with the indicated information requirements for each PES/ES must be included. Continuation sheets will be added if required.

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7. Action/Submission procedures

a. New requirements for a waiver or exemption will be submitted as follows:

(1) Any naval command identifying an urgent operational requirement which can be satisfied only by waiver of or exemption

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R) from established explosives safety requirements will request it from CNO (OP-411), via the normal chain of command, using the format of enclosures (1) and (2). The Commander, Naval Sea Systems Command (SEA-06H) will be the final via addressee. Any local commander, area coordinator, or naval base commander requirements must also be satisfied. A copy of the request (cover letter and enclosures (1) and (2) format (without charts, maps, etc.)) will also be provided to Naval Surface Weapons Center (NAVSWC), Dahlgren, VA (Code H-12). See paragraph 7a(4) for exceptions for commands reviewed by AMHAZ Boards.

(2) The initiating command will assign a tentative waiver or exemption number in accordance with the criteria set forth in enclosure (3), and will evaluate the waiver or exemption requirement as to its correctability or elimination through military construction (MILCON), Operations and Maintenance, Navy (O&MN), or other funding, using the guidelines of enclosure (4). Where submission of DD 1391 applies, Block 13 (Project Title) shall be completed as follows: "CNO Waiver (Exemption) No. _____; correction of".

(3) Via addressees will forward the request expeditiously, providing appropriate comments required by paragraph 6b.

(4) For those commands which are reviewed by the AMHAZ Board, request for a new waiver or exemption may be presented to the regularly scheduled AMHAZ Board, in accordance with procedures set forth in reference (e), for those requirements which are not time critical. For all other new requirements for waiver or exemption, the procedures in paragraphs 7a(1) through 7a(3) will be followed.

R) b. Validation/renewal or modifications of existing waivers and exemptions: Requests for renewal or modification of existing deviations from explosives safety standards which are still required as a matter of operational necessity will be submitted as follows:

R) (1) For naval activities which are reviewed by the AMHAZ Board, submission will be as discussed in paragraph 7b(2) of reference (e) and paragraphs 3 and 4a of enclosure (1) to reference (e). An advance copy will be provided to the Chairman, CNO AMHAZ Boards at least one month prior to the scheduled AMHAZ Board meeting. If a waiver/exemption expires before the scheduled AMHAZ Board for the activity, the following procedures will be used for validation/renewal.

(2) For activities not reviewed by the AMHAZ Board, and those AMHAZ activities whose waiver/exemption expires prior to the scheduled AMHAZ Board, the following requirements apply:

(a) Submission will be in the format of enclosures (1) and (2), using the same addressees listed in paragraph 7a(1), and will be forwarded to arrive at CNO (OP-411) not less than three months prior to the expiration date of the waiver or exemption. The submitting activity will append as an enclosure to the request a copy of the document currently authorizing the waiver or exemption.

(b) All items of enclosures (1) and (2) will be executed, except that information required by Notes 2 and 3 of enclosure (1) need not be furnished if previously submitted and still accurate, unless specifically requested by any of the reviewing authorities.

(c) Via addressees will provide the appropriate comments required by paragraph 6b. Processing will be expedited.

c. Requests for event waivers (other than waivers of hot work restrictions and/or cold iron requirements for ships -- for these see paragraph 7d) or other waivers/exemptions necessitated by operational requirements for which time does not permit letter submission will be submitted as follows:

(1) The waiver (or exemption) will be requested by message and addressed to the command listed in paragraph 6b which will provide the operational necessity certification for the deviation. Information addressees for the message will be others in the chain of command, CNO, COMNAVSEASYSOM, appropriate shore command(s) (as necessary), and, for requests for continuing waivers/exemptions only, NAVSWC Dahlgren, VA. For requests for event waivers in overseas locations where ESQD arcs will extend beyond the station boundary, the appropriate shore activity or U.S. Defense Attache Office (USDAO) must be requested to provide CNO with information on the approximate number of buildings, public traffic routes, and people located off-base which are inside the proposed ESQD arc.

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(2) The waiver request should be submitted at least fourteen days in advance for routine/scheduled port visits or evolutions. For other requirements or those necessitated by schedule changes, the request should be submitted as far before the required date as possible. The date(s) for which the waiver is required must be specified in the message.

(3) The subject of the message should be "Explosives Safety (Event) Waiver" or "ESQD (Event) Waiver", as appropriate. Standard Subject Identification Code (SSIC) 8023 will be used.

(4) The information contained in the request will be in the format of enclosure (1) to the maximum practicable extent. Information requested in Section 1 of enclosure (2) must be included in Item 1 of the enclosure (1) format and information requested in Sections 2 and 3 of enclosure (2) must be included in Item (3) of the enclosure (1) format. Information requested in section 4 of enclosure (2) must be included as an add-on item to the enclosure (1) format, if applicable. The map discussed in Note 2 of enclosure (1) and a completed enclosure (2) will be required only for all continuing waiver (and exemption) requests, and will be forwarded by regular mail direct to CNO.

(5) The command designated in paragraph 6b to provide operational necessity certification will obtain concurrence with the waiver request from necessary subordinates in the chain of command and from shore activities involved, if applicable, and report same in a certification of operational necessity message, which will be addressed to the command designated to concur with this certification or CNO, as appropriate. Information copies will be provided to all concerned.

(6) In those cases where a concurrence with the operational necessity certification is required, it may be obtained by telephone conversation and cited in the operational necessity certification message, or if this procedure is not followed, it will be provided by the appropriate command listed in paragraph 6b in a separate message to CNO, copies to all concerned.

R) Requests for modifications to event waivers will be submitted in the same manner as the original request. Those modifications which are changes in date(s) only (as opposed to changes in location, amount of ammunition to be handled, etc.) can be approved by FLTCINCs (or the final approval command before CNO where the chain of command does not include a FLTCINC). All other modifications will be acted on by CNO.

d. Requests for waivers of hot work restrictions and/or cold iron requirements for ships will be submitted as follows:

(1) The waiver(s) will be requested by message and addressed to the command listed in paragraph 6b which will provide the operational necessity certification for the waiver. Information addressees for the message will be others in the chain of command, CNO, COMNAVSEASYSOM, and appropriate shore commands (if necessary).

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(2) Waiver requests will be submitted as far in advance as possible. The date(s) for which the waiver is required must be specified in the message.

(3) The information contained in the request will be in the format of enclosure (1) to the maximum practicable extent. Information required by Items 6 and 8 and Notes 2 and 3 (parts b and c) need not be provided. Include the classes and quantities of explosives involved/effectuated, if applicable.

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(4) Hot work waiver requests will be submitted only when the requirements of paragraphs 2-25.2 and/or 2-53C.3 of reference (h) cannot be met, or when otherwise required by enclosure (3) of reference (a) for fleet ammunition cargo ships (AE) or by enclosure (4) of reference (a) for amphibious warfare (AW) ships. Cold iron waiver requests will be submitted only when required by enclosure (3) or (4) of reference (a) for AEs and AWs, respectively.

(5) The command designated in paragraph 6b to provide operational necessity certification will obtain concurrence with the waiver request from necessary subordinates in the chain of command and from shore activities involved, if applicable, and report same in a certification of operational necessity message, which will be addressed to the FLTCINC, with information copies to all concerned. The FLTCINC will then act on the request. Copies of the message authorization (or denial) for the waiver will be sent to all concerned.

e. Request for a waiver or exemption for a tenant command belonging to another Service located on a naval activity will be processed as follows:

(1) The waiver (exemption) request will be prepared by the tenant activity, in the format required by their Service's directives.

(2) The request will first be forwarded to the host command, which will endorse the request with a statement of concurrence (or non-concurrence) with the proposed operation to be conducted. Information required in enclosure (2) must also be added.

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(3) The request must then be forwarded via the normal waiver-approval channels of the tenant activity's Service for certification of operational necessity (see paragraph 4b).

(4) The request must finally be forwarded via the normal Navy chain for waiver requests (see paragraph 6b) for concurrence

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with this operational necessity certification and a statement that the operation can be conducted on Navy property.

After all necessary endorsements are obtained, CNO will take action on the request, issuing, as appropriate, the waiver (exemption) to the host activity.

- A) f. Should an existing waiver/exemption (other than an event waiver or hot work/cold iron waiver) no longer be required, CNO will be informed, via the chain of command (copy to NAVSAFECEN), so that the waiver/exemption can be cancelled. Event waivers and hot work/cold iron waivers are considered to be cancelled when the short-term evolution for which they were issued is completed.

8. Forms

- a. DD Form 1391 (Military Construction Line Item Data Sheet (1978), NSN 0102-LF-001-3910) may be obtained through normal supply channels in accordance with NAVSUP 2002.
- A) b. OPNAV Form 8023/4 (Background/Supplemental Information for U.S. Navy Explosives Safety Waiver/Exemption (1-85)) is included as enclosure (2). Additional copies may be obtained from CNO (Op-411), Washington, D.C. 20350-2000.

9. Report. Symbol OPNAV 8023-5 is assigned to the U.S. Navy Explosives Safety Requirements Waiver or Exemption Request/Validation Format report contained in paragraphs 6 and 7. ~~This report is approved for three years only from the date of this directive.~~ *Extend the reporting requirement contained in this directive until October 1991 or CH 2*

T. J. HUGHES
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Deputy Chief of Naval
Operations (Logistics)

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U.S. NAVY
EXPLOSIVES SAFETY REQUIREMENTS
WAIVER OR EXEMPTION REQUEST/VALIDATION FORMAT

(To be completed by activity requesting waiver in compliance with guidance contained in the Notes. SEE ALL NOTES BEFORE COMPLETING.)

1. General statement of waiver requirement (Notes (1) and (2)).

2. Specific document(s) or table(s) containing the explosives safety standard(s) to be waived.

3. Specific description of the conditions creating the need for waiver (Note (3)).

Enclosure (1)

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4. Statement specifying reason(s) why compliance with explosives safety standard(s) cannot be effected (Note (4)).

5. Alternatives examined (Note (5)).

6. Mission effect of a maximum credible explosive accident.

7. Additional or compensatory safety precautions to be enforced during period of waiver.

A) 8. Point of contact (name, title, phone number).

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NOTES

(1) List all pertinent references and waiver/exemption number, if existing. The history of the waiver/exemption should be "tracked" insofar as possible. For new submissions (except event waivers and hot work/cold iron waivers), include a proposed waiver/exemption number in accordance with enclosure (2).

(2) Where waiver of explosives safety quantity distance (ESQD) requirements is involved, provide as enclosures map(s) (scale not less than 1" = 400' (1 cm = 50 m)) indicating: (a) the distance(s) requiring waiver, and (b) the distance(s) to on-station and off-station targets within the required ESQDs. Station boundaries must be clearly shown.

(3) Include in this description: (a) frequency of the requirement(s) requiring waiver, (b) public traffic routes within the generated ESQD arc, and (c) any additional pertinent information which cannot be summarized on the enclosure (2) form. (NOTE: Complete information on all PESS and ESSs will be included on OPNAV Form 8023/4 (enclosure (2))).

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(4) Justification concerning the operational necessity requiring the waiver shall be provided in detail.

(5) Include all possible practicable alternatives to solve problem(s) without continuance or issuance of a waiver/exemption, with rationale for each.

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BACKGROUND/SUPPLEMENTAL INFORMATION FOR U.S. NAVY EXPLOSIVES SAFETY WAIVER/EXEMPTION						
RCS OPNAV 8023-5						
Deviation Description Assigned _____ (To be completed by CNO)						
1. Potential Explosion Site(s) (PES) - Locations where explosives will be present which require issuance of this deviation:						
	(1)	(2)	(3)	(4)	(5)	(6)
a. Building No.						
b. Description/Use						
c. MW (lbs.) 1.1						
1.2						
1.3						
1.4						
(Attach continuation sheet for additional PESs)						
2. On-Station Exposed Site(s) (ES) - Locations on-base which will be within the ESQD arc(s) from a PES:						
	(1)	(2)	(3)	(4)	(5)	(6)
a. Building No.						
b. Description/Use						
c. Closest PES (No.)						
d. Distance from PES						
e. Estimated Value of ES						
f. Average Number Personnel Present						
(Attach continuation sheet for additional ESs)						
3. Off-Station ESs - For off-base locations within ESQD arc(s) from a PES:						
	(1)	(2)	(3)	(4)	(5)	(6)
a. Building No./Name						
b. Description/Use						
c. Closest PES (Name)						
d. Distance from PES						
e. Distance from Base Boundary						
f. Estimates Value of ES						
g. Average Number Personnel Present						
(Attach continuation sheet for additional ESs)						
4. Planned action/resources required to correct situation and eliminate need for deviation:						
a. MILCOM (or Special Project) No. (if assigned):						
b. Estimated cost to correct:						
c. <u>Brief</u> description of corrective action:						
d. Expected date of completion: _____						

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Procedure for Assignment of Waiver/Exemption Numbers

1. The purpose of this enclosure is to provide guidance in regard to the assignment of waiver or exemption numbers to requirements for deviations from established explosives safety standards.
2. The basic objective of this system is to provide a ready identification of any given waiver or exemption with respect to such matters as activity involved, year of issuance, and number of modifications. Basically, each waiver or exemption (except event waivers and hot work/cold iron waivers) will be identified by the name or short title of the activity, the calendar year of issuance, and the serial number indicating the sequence in which the waiver was issued in the particular year. Waivers and exemptions will be numbered independently of one another. Modifications to waivers or exemptions will be indicated by an alphabetical designator following the serial number of the waiver or exemption. Exemptions will contain an "E" prior to the serial number; waivers will contain no letter in this position. Examples follow:
 - a. The first waiver approved for Naval Weapons Station Earle in calendar year 1977 would be designated as follows: CNO Waiver No. WPNSTA Earle 1-77. The second waiver approved for this activity in the same calendar year would be designated as CNO Waiver No. WPNSTA Earle 2-77, etc.
 - b. The first modification to CNO Waiver No. WPNSTA Earle 1-77 would be indicated as CNO Waiver No. WPNSTA Earle 1A-77, regardless of the year in which issued. This modification would automatically cancel serial WPNSTA Earle 1-77. The second modification to this waiver would be CNO Waiver No. WPNSTA Earle 1B-77, etc.
 - c. The first exemption issued to WPNSTA Earle in calendar year 1977 would be designated as CNO Exemption No. WPNSTA Earle E1-77. Additional exemptions issued in the same year and modifications to all exemptions will follow the same pattern as for waivers.
 - d. An activity may have both a waiver and an exemption with the same year of issuance and serial number, i.e., CNO Waiver No. WPNSTA Earle 1-77 and CNO Exemption No. WPNSTA Earle E1-77, although in no way related to each other, may exist simultaneously.

Enclosure (3)

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3. No waiver or exemption number which has been cancelled will be reused at any time for an individual activity. Thus, if waiver number 1-77 is cancelled by 1A-77, or cancelled outright without a replacement, number 1-77 will not be reused at any time for the activity involved.

4. As indicated in the basic instruction, each activity originating a request for waiver or exemption (except event waivers and hot work/cold iron waivers) will nominate a designation number in accordance with the foregoing guidance.

5. It has been the practice of this office to redesignate into this new system those waivers and exemptions which were issued in prior years and in other formats by other authorities, such as COMNAVSEASYS COM. Ultimately, all waivers of a continuing nature and all exemptions will be redesignated into the CNO Waiver/Exemption System outlined in this enclosure.

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Criteria for Determination of MILCON/O&MN Requirements for
Waiver Correction/Elimination

1. The intent of enclosure (1) is to develop a documented project data base, wherever feasible, to be used at all command levels in evaluation of waivers and exemptions, and to serve as a basis for project evaluation under MILCON Investment Program (IP)-55. Each requirement for waiver of or exemption from explosives safety criteria (ESQD or other requirement) shall be evaluated by the command initiating the waiver or exemption (hereinafter referred to as simply "waiver") request in accordance with the following guidelines:

(R)

a. Entire elimination of the waiver through a MILCON Project: This category shall include a DD 1391 and project submittal in standard format with notation as to the waiver being eliminated.

b. Partial relief of the waiver: This category shall include MILCON projects which relieve but do not entirely eliminate an ESQD waiver. MILCON projects in DD 1391 format as appropriate for correctable portions of the waiver would be submitted for each waiver, to include a definitive statement as to that portion of the waiver not eliminated with reasons therefor and an order of magnitude estimate for complete elimination of the waiver.

c. Waivers which are difficult to relieve or eliminate: This category includes waivers which are not feasible to eliminate due to cost (in excess of \$10 million), changing mission, or other factors. A definitive statement detailing the reason for inclusion in this category must be provided. MILCON projects in DD 1391 format need not be submitted.

d. Waivers correctable by O&MN or other funds.

(R)

Enclosure (4)